

**FILED**

JUN 15 2015

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY *ace* DEPUTY**KNUT S. JOHNSON**

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Attorneys for Mr. Azano

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
(HONORABLE MICHAEL M. ANELLO)

UNITED STATES OF AMERICA,

Plaintiff,

v.

**JOSE SUSUMO****AZANO MATSURA (1),**

Defendant.

Criminal No. 14cr388-MMA

**Defendant's ex parte application to  
submit Exhibit C to CR 108 under  
under seal pending his motion to  
remove Exhibit C from the protective  
order**

Jose Susumo Azano Matsura, consistent with the protective order entered by this Court, moves this Court to receive Exhibit C to his discovery-related motions filed on June 5, 2015 (CR 108) under seal, pending his contemporaneously filed motion to unseal.

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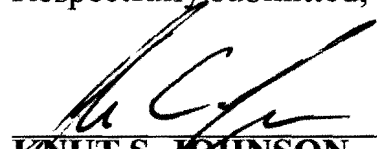
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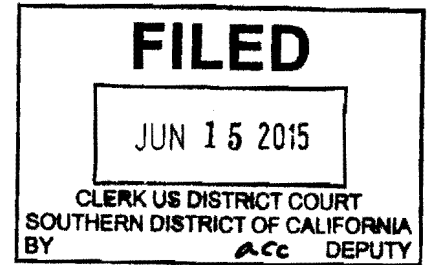
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1 This basis for this ex parte application is set forth in the accompanying declaration  
2 of counsel.

3  
4 Respectfully submitted,

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6 Dated: June 5, 2015

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8 **KNUT S. JOHNSON**  
9 **JOHN C. LEMON**  
10 Attorneys for Mr. Azano  
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Attorneys for Mr. Azano

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
(**HONORABLE MICHAEL M. ANELLO**)

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
**JOSE SUSUMO**  
**AZANO MATSURA (1),**  
Defendant.

Criminal No. 14cr388-MMA

**Declaration of counsel in support  
of ex parte application to receive  
Exhibit C to his discovery-related  
motions (CR 108) under seal pending  
his contemporaneously filed motion to  
remove Exhibit C from the protective  
order**

I, John C. Lemon, declare under penalty of perjury:

1. I am over the age of 18 and competent to testify. I am one of two attorneys  
of record for Jose Susumo Azano Matsura in this case.

2. I submit this declaration in support of the accompanying application to  
submit Exhibit C to Mr. Azano's discovery-related motions filed on this date (CR 108)  
under seal, pending his contemporaneously filed motion to remove the documents  
contained in Exhibit C from the protective order.

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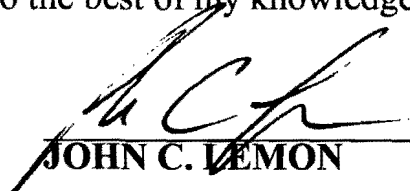
1        3.     Exhibit C is composed of selected discovery, which is subject to a protective  
2 order. Much of this discovery (e.g., the redacted FBI reports documenting its  
3 investigation of Sempra for violations of the Foreign Corrupt Practices Act) is already in  
4 the public domain, available through a FOIA request. Another lengthy document, Mr.  
5 Azano's complaint letter to the FBI and the Inspector General regarding HSI Agent John  
6 Chakwin III, was generated by a lawyer working for Mr. Azano and there is not any  
7 reason that it should be subject to a protective order for documents produced by the  
8 government in discovery. And the rest of the documents (excerpts from Reports of  
9 Investigation and selected pleadings drafted by government agents and lawyers in support  
10 of electronic surveillance) do not implicate the privacy concerns of any "uncharged  
11 individuals."

12        4.     I have accordingly filed a motion on behalf of Mr. Azano asking this Court  
13 to remove the documents comprising Exhibit C from the protective order.

14        5.     In the interim, I am hereby submitting Exhibit C under seal.

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16        I state the foregoing is true and correct to the best of my knowledge.

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18        Dated: June 5, 2015

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JOHN C. LEMON